

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

JASON KESSLER AND NATIONAL
SOCIALIST MOVEMENT AND
TRADITIONALIST WORKER'S PARTY,

Plaintiffs,

v.

Case No. 3:18-cv-00107-NKM

CITY OF CHARLOTTESVILLE, VIRGINIA
AND AL THOMAS AND BECKY
CRANNIS-CURL,

Defendants.

DEFENDANT AL THOMAS, JR.'S MOTION TO DISMISS

COMES NOW Defendant Al Thomas, Jr. ("Chief Thomas"), by counsel, pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the Federal Rules of Civil Procedure, and moves this Court to dismiss the Amended Complaint filed against him, with prejudice, on the grounds that Plaintiffs National Socialist Movement and Traditionalist Worker's Party lack standing, and the Amended Complaint fails to state a claim upon which relief can be granted and fails to allege facts sufficient to establish a legally cognizable cause of action. Chief Thomas relies upon and incorporates his Brief in Support of Motion to Dismiss as if fully set forth herein.

WHEREFORE, Defendant Al Thomas, Jr., by counsel, respectfully requests that this Court enter an Order granting the Motion to Dismiss, dismissing the Amended Complaint with prejudice, and awarding costs and such other relief as is appropriate.

AL THOMAS

By Counsel

/s/ David P. Corrigan

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C E R T I F I C A T E

I hereby certify that on the 19th day of February, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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